

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: BENJAMIN KLEIN, : Chapter 13
Debtor, : Case No.: 18-23417-RDD
X
BENJAMIN KLEIN, :
Plaintiff, :
-against- :
MOSES LEIB (MOSES) WITRIOL, YITZCHOK :
DOV (ISAAC, GEORGE) FISCH, RABBI :
GABRIEL STERN, ZALMAN DOV KLEIN, :
MALKY FISCH, DINA KLEIN, ARYEH :
GUTMAN, SCHLOMO GUTMAN, ARON :
EAGLE, JACOB (YOSSI) EAGLE, ESTHER :
KLEIN, AVRAHAM LEHRER, (& UPON :
LEAVE GRANTED) JOSEPH MARIA, and :
DOES 1-100, :
Defendants. :
X

**NOTICE OF MOTION FOR AN ORDER DISMISSING PLAINTIFF'S
COMPLAINT PURSUANT TO F.R.C.P. 12(B)(6)**

PLEASE TAKE NOTICE that upon the Declaration of Megan J. Muoio, executed April 23, 2019, the accompanying Memorandum of Law, and all of the papers and pleadings had herein, Defendants ARON EAGLE and JACOB (YOSSI) EAGLE (the "Eagle Defendants") shall move at a hearing to be held before the Hon. Robert D. Drain, United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern District of New York, 300 Quarropas Street, White Plains, New York, on May 17, 2019 at 10:00 am in the forenoon of that day, or as soon thereafter as counsel can be heard, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7012,

dismissing Plaintiff BENJAMIN KLEIN's Adversary Complaint as against the Eagle Defendants, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief sought in the motion, must be in writing setting forth the facts and authorities upon which an objection is based, and served so as to be received by the attorneys for the Eagle Defendants no later than **seven (7) days** prior to the Hearing.

Dated: April 23, 2019

ALLYN & FORTUNA LLP

By: 

Megan J. Muoio

Attorneys for Aron Eagle and Jacob Eagle
1010 Avenue of the Americas, 3rd Floor
New York, New York 10018
(212) 213-8844